

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DARNELL WESLEY MOON,

Petitioner,

v.

ORDER

09-cv-381-slc

CAROL HOLINKA, MARION FEATHER,
MARK KIRBY, THEODORE EDGECOMB, JR.,
PHILLIP SHANKS, C. MONTONNA,
VICKIE BARTZ, J. HELMIN and
LIEUTENANT TERRY,

Respondents.

In an order entered in this case on June 22, 2009, I denied petitioner's request for leave to proceed *in forma pauperis* in this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, because he does not qualify financially for indigent status. I gave petitioner until July 13, 2009, in which to submit a check or money order made payable to the clerk of court in the amount of \$5 to cover the fee for filing his petition. On June 29, 2009, petitioner filed a motion for reconsideration of this court's decision to require him to pay the \$5 filing fee, dkt. #5. In addition, on July 6, 2009, petitioner submitted a motion for a 30-day enlargement of time in which to make the payment, dkt. #6, and a motion to add respondents, dkt. #7.

In his motion for reconsideration, petitioner asks the court to reconsider its ruling that he does not qualify for indigent status on the ground that he currently has a zero balance in his prison account. (My review of the trust fund account statement petitioner submitted with his petition shows that he did not carry a balance in his account for approximately the one-month

period preceding the filing of his petition. However, petitioner has not submitted an updated copy of his account statement showing that he currently has a zero balance, as he alleges.) Alternatively, petitioner asks for a 30-day enlargement of time to pay the \$5 filing fee because he “expects some monies to be applied to his account.” Because it is possible petitioner will be able to make the \$5 payment with an extension of the deadline, I am willing to allow him an additional 21 days time to pay the \$5 filing fee. If, by August 3, 2009, petitioner is unable to make the \$5 payment, he may renew his motion for reconsideration of this court’s decision to deny his request for leave to proceed *in forma pauperis*. Petitioner should be sure to support the renewed motion with an updated copy of his trust fund account statement.

As a final note, petitioner’s motion to add respondents, dkt. #7, will be stayed pending a decision whether an order should issue directing respondents to show cause why the petition for a writ of habeas corpus should not be granted.

ORDER

IT IS ORDERED that petitioner’s motion for reconsideration of the June 22, 2009 order denying his request for leave to proceed *in forma pauperis*, dkt. #5, is DENIED.

Further, IT IS ORDERED that petitioner may have an enlargement of time to August 3, 2009, in which to submit a check or money order made payable to the clerk of court in the amount of \$5 to cover the fee for filing his petition. If, by August 3, 2009, petitioner is unable to make the \$5 payment, then he may renew his motion for reconsideration of the this court’s

decision to require him to pay the \$5 filing fee.

Entered this 8th day of July, 2009.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge